

1. The Service's New Mexico Ecological Services Field Office has been working for two years with the Applicants, Bureau of Land Management, and representatives from the anticipated participants to develop the CCA and two CCAAs
2. Partners include oil and gas operators, commercial/agricultural water users, livestock producers, Eddy County, New Mexico Interstate Stream Commission, New Mexico State Land Office, The Texas Comptroller's Office, Carlsbad Irrigation District, and other interested stakeholders that hold Federal leases, permits, or other authorizations.
3. The August deadline for a listing determination is court ordered and part of the MDL settlement. We are reluctant to go to the plaintiffs and ask to extend the listing decision date of August 10<sup>th</sup>.
4. CCAAs have to be approved before a decision to list a species as threatened or endangered.
5. Application to enrollment in an approved CCAA can occur up until the effective date of a listing as threatened or endangered (typically 30 days)
6. This application to enroll preserves the ability to finalize enrollment anytime before a recovery plan is finalized (year or more), but coverage for incidental take coverage is only available after enrollment is finalized.
6. The draft CCA and CCAAs Notice of Availability needs to publish no later than July 3<sup>rd</sup>. This will provide 30-day comment period and only 4 working days to address public comments, revise and finalize all document, review and potentially approve the Agreements.
7. We have created a streamlined application process for enrollment that would preserve a participant's ability to finalize enrollment after an effective date of a decision to list the species, should it occur.
8. If we miss the July 3<sup>rd</sup> date to publish the Notice of Availability for the CCA/CCAA and a decision to list the Texas Hornshell is made on August 10<sup>th</sup>, we would
  - move forward with BLM and Federal projects under section 7 of the Endangered Species Act to cover their actions as described in the CCA.
  - move forward with the approval of the CCAA for the other three species that would not be listed.
  - move forward with a Habitat Conservation Plan to provide incidental take coverage to the original group of participants.
9. We have already been planning on the possibility of a Habitat Conservation Plan to ensure we can provide an alternative to landowners and other affected parties in the event that we do not meet our publication date of July 3<sup>rd</sup> and the species is listed.
10. We are hoping to keep any lapse in incidental take coverage to only a few week to a couple of months. We still have to publish a Habitat Conservation Plan in the Federal register for public review.